

07-CV-01398-CMP

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a
Washington Corporation,

Plaintiff,

v.

OLEKSIY KOVYRIN a/k/a ALEXEY
KOVYRIN, a Canadian resident, d/b/a DIGI
REAL ESTATE FOUNDATION; DIGI
REAL ESTATE FOUNDATION; and John
Does 1-10.

Defendants.

C07-1398 MJB
No.

COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF

Plaintiff Microsoft Corporation ("Microsoft") brings this action against Defendants
OLEKSIY KOVYRIN a/k/a ALEXEY KOVYRIN d/b/a DIGI REAL ESTATE
FOUNDATION, DIGI REAL ESTATE FOUNDATION, and John Does 1-10 (collectively
"Defendants"), and alleges as follows:

I. JURISDICTION AND VENUE

1. This is a complaint for an injunction, damages and other appropriate relief to
stop Defendants from infringing Microsoft's trade and service marks by registering Internet
domain names that are identical or confusingly similar to Microsoft's trademarks and service
marks, and by using those domain names in bad faith to profit from Microsoft's marks.

COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF - 1

K:\2000103\03032\22182 SES\22182P20E1

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

2. In this action, Microsoft asserts violations of the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d); of sections 32 and 43 of the Lanham Act, 15 U.S.C. § 1114 (Trademark Infringement) and 1125(a) (False Designation of Origin, Unfair Competition/False Advertising); of the Washington Consumer Protection Act (RCW Ch. 19.86); and of Washington common law.

3. This Court has subject matter jurisdiction over Microsoft's claims pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338.

4. This Court has personal jurisdiction over the defendants, who have engaged in business activities in and directed to this district and have committed a tortious act within this district.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to Microsoft's claims occurred in this judicial district, and because defendants are aliens.

II. THE PARTIES

6. Plaintiff Microsoft is a Washington corporation with its principal place of business in Redmond, WA.

7. Upon information and belief, Defendant Oleksiy Kovyryn a/k/a Alexey Kovyryn is a Canadian resident doing business as Digi Real Estate Foundation.

8. Upon information and belief, Defendant Digi Real Estate Foundation is a Canadian entity purporting to be a corporation. Despite diligent efforts, Microsoft has not been able to find any corporate records relating to Digi Real Estate Foundation.

9. Microsoft is unaware of the true names and capacities of defendants sued herein as JOHN DOES 1 - 10 and therefore sues those Defendants by such fictitious names. Microsoft will amend this complaint to allege their true names and capacities when ascertained. Microsoft is informed and believes and therefore alleges that each of the fictitiously named Defendants are responsible in some manner for the occurrences herein

COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF - 2

K:\D000103\03032\22182_SES\22182P20E1

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623-7580
FACSIMILE (206) 623-7022

1 alleged, and that Microsoft's injuries as herein alleged were proximately caused by such
2 Defendants.

3 10. The actions alleged herein to have been undertaken by the Defendants were
4 undertaken by each Defendant individually, were actions that each Defendant caused to occur,
5 were actions that each Defendant authorized, controlled, directed, or had the ability to
6 authorize, control or direct, and/or were actions in which each Defendant assisted, participated
7 or otherwise encouraged, and are actions for which each Defendant is liable. Each Defendant
8 aided and abetted the actions of the Defendants set forth below, in that each Defendant had
9 knowledge of those actions, provided assistance and benefited from those actions, in whole or
10 in part. Each of the Defendants was the agent of each of the remaining Defendants, and in
11 doing the things hereinafter alleged, was acting within the course and scope of such agency
12 and with the permission and consent of other Defendants.

13 **III. MICROSOFT'S BUSINESS AND TRADEMARKS**

14 11. Microsoft is a world leader in the market for software and related products.
15 Microsoft offers a wide range of products and services, including but not limited to computer
16 software such as the Microsoft Windows operating system and Microsoft Office; computer
17 hardware and accessories including keyboards and mice; gaming systems such as the
18 Microsoft XBOX and Microsoft XBOX 360; and Internet service and electronic mail services
19 such as the MSN and Windows Live Hotmail services, to name a few.

20 12. Microsoft owns registrations for a number of trademarks and service marks
21 that it uses to identify its products and services in the marketplace. Among the marks owned
22 by Microsoft are the following registered marks (collectively the "Microsoft Marks"):
23 ACCESS; AGE OF EMPIRES; BCENTRAL; DIRECTX; EXCEL; HALO; HOTMAIL;
24 INTERNET EXPLORER; LINKEXCHANGE; MECHWARRIOR; MICROSOFT; MSN;
25 NETMEETING; POWERPOINT; VISUAL BASIC; WINDOWS; XBOX; XBOX 360; and
26 XBOX LIVE.

1 13. Since at least November 1992, Microsoft has used, in commerce, the
2 trademark "ACCESS" to promote to promote general-purpose computer database software.

3 14. On February 2, 2005, Microsoft applied for the registration of the ACCESS
4 trademark. United States Trademark Registration No. 3,238,869 was issued on May 8, 2007.
5 *See Exhibit A.* The ACCESS trademark is broadly recognized as a brand identifier for
6 general-purpose computer database software and related products.

7 15. Since at least October 12, 1997, Microsoft has used, in commerce, the
8 trademark "AGE OF EMPIRES" to promote game software and other related products.

9 16. On May 22, 1996, Microsoft applied for the registration of the AGE OF
10 EMPIRES trademark. United States Trademark Registration No. 2,137,862 was issued on
11 February 17, 1998. The AGE OF EMPIRES trademark is also the subject of United States
12 Trademark Registration Nos. 2,427,249, 2,457,667, and 3,006,358. *See Exhibit B.* The AGE
13 OF EMPIRES trademark is broadly recognized as a brand identifier for Microsoft's game
14 software and related products.

15 17. Since at least October 1999, Microsoft has used, in commerce, the service
16 mark "BCENTRAL" to promote computer and computer information services.

17 18. On August 20, 1999, Microsoft applied for the registration of the BCENTRAL
18 service mark. United States Service Mark Registration No. 2,767,069 was issued on
19 September 23, 2003. *See Exhibit C.* The BCENTRAL service mark is broadly recognized as
20 a brand identifier for Microsoft's Internet management and information services.

21 19. Since at least October 2, 1995, Microsoft has used, in commerce, the
22 trademark "DIRECTX" to promote computer software for use in application development.

23 20. On August 17, 1996, Microsoft applied for the registration of the DIRECTX
24 trademark. United States Trademark Registration No. 2,051,539 was issued on April 8, 1997.
25 *See Exhibit D.* The DIRECTX trademark is broadly recognized as a brand identifier for
26 Microsoft's game and application software development.

1 21. Since at least September 30, 1985, Microsoft has used, in commerce, the
2 trademark "EXCEL" to promote spreadsheet software and related products.

3 22. On April 12, 2004, Microsoft applied for the registration of the EXCEL
4 trademark. United States Trademark Registration No. 2,942,050 was issued on April 19,
5 2005. *See* Exhibit E. The EXCEL trademark is broadly recognized as a brand identifier for
6 Microsoft's spreadsheet software and related products.

7 23. Since at least November 15, 2001, Microsoft's predecessor used, in commerce,
8 the trademark "HALO" to promote game software and other related products.

9 24. On February 11, 1999, Microsoft's predecessor applied for the registration of
10 the HALO trademark. United States Trademark Registration No. 2,598,381 was issued on
11 July 23, 2002. The HALO trademark is also the subject of United States Trademark
12 Registration No. 2,837,420. *See* Exhibit F. The HALO trademark is broadly recognized as a
13 brand identifier for Microsoft's game software and related products.

14 25. Since at least July 4, 1996, Microsoft has used, in commerce, the trademark
15 and service mark "HOTMAIL" to promote advertising and marketing services, including
16 promoting the goods and services of others by placing advertisements and promotional
17 displays in an electronic site accessed through computer networks.

18 26. On April 10, 1997, Microsoft's predecessor, Hotmail Corporation, applied for
19 the registration of the Hotmail trademark and service mark. United States Trademark
20 Registration No. 2,165,601 was issued on June 16, 1998. *See* Exhibit G. The Hotmail
21 trademark and service mark is broadly recognized as a brand identifier for Microsoft's
22 software and hardware products and for electronic communications services.

23 27. Since at least January 1, 1995, Microsoft's predecessor has used, in commerce,
24 the trademark "INTERNET EXPLORER" to promote software for browsing the global
25 computer network and secure private networks and related programs.

26 28. On August 13, 1997, Microsoft's predecessor applied for the registration of the

1 INTERNET EXPLORER trademark. United States Trademark Registration No. 2,277,112
2 was issued on September 14, 1999. *See* Exhibit H. The INTERNET EXPLORER trademark is
3 broadly recognized as a brand identifier for Microsoft's software for browsing the global
4 computer network and secure private networks and related programs.

5 29. Since at least March 1, 1996, Microsoft has used, in commerce, the service
6 mark "LINKEXCHANGE" to promote advertising services on global computer networks.

7 30. On February 3, 1997, Microsoft's predecessor applied for the registration of
8 the LINKEXCHANGE service mark. United States Trademark Registration No. 2,199,349
9 was issued on October 27, 1998. *See* Exhibit I. The LINKEXCHANGE service mark is
10 broadly recognized as a brand identifier for Microsoft's promotion of advertising services on
11 global computer networks.

12 31. Since at least December 31, 1989, Microsoft has used, in commerce, the
13 trademark "MECHWARRIOR" to promote game software and related products.

14 32. On April 8, 1999, Microsoft applied for the registration of the
15 MECHWARRIOR trademark. United States Trademark Registration No. 2,508,485 was
16 issued on November 20, 2001. *See* Exhibit J. The MECHWARRIOR trademark is broadly
17 recognized as a brand identifier for Microsoft's game software and related products.

18 33. Since at least November 12, 1975, Microsoft has used, in commerce, the
19 trademark and service mark "MICROSOFT" to promote its products and services.

20 34. On October 22, 1979, Microsoft's predecessor applied for the registration of
21 the MICROSOFT trademark and service mark. United States Trademark Registration No.
22 1,200,236 was issued on July 6, 1982. The MICROSOFT trademark and service mark is also
23 the subject of United States Trademark Registration Nos. 1,966,382, 2,250,973, and
24 2,285,870. *See* Exhibit K. Microsoft's MICROSOFT trademark and service mark is broadly
25 recognized as identifying plaintiff Microsoft and its various products and services.

26 35. Since at least March 7, 1995, Microsoft has used, in commerce, the trademark

1 and service mark "MSN" to promote computer hardware and software as well as electronic
2 communications services.

3 36. On April 25, 1997, Microsoft applied for the registration of the MSN
4 trademark and service mark. United States Trademark Registration No. 2,153,763 was issued
5 on April 28, 1998. The MSN trademark and service mark is also the subject of United States
6 Trademark Registration Nos. 2,201,105, 2,418,517, and 2,459,987. *See* Exhibit L. The MSN
7 trademark and service mark is broadly recognized as a brand identifier for Microsoft's
8 software and hardware products and for electronic communications services.

9 37. Since at least May 29, 1996, Microsoft has used, in commerce, the trademark
10 "NETMEETING" to promote computer software and electronic communications services.

11 38. On May 21, 1996, Microsoft applied for the registration of the NETMEETING
12 trademark. United States Trademark Registration No. 2,182,726 was issued on August 18,
13 1998. *See* Exhibit M. The NETMEETING trademark is broadly recognized as a brand
14 identifier for Microsoft's computer software and electronic communications services.

15 39. Since at least April 20, 1987, Microsoft has used, in commerce, the trademark
16 "POWERPOINT" to promote computer software.

17 40. On June 29, 1987, Microsoft applied for the registration of the POWERPOINT
18 trademark. United States Trademark Registration No. 1,475,795 was issued on February 9,
19 1988. *See* Exhibit N. The POWERPOINT trademark is broadly recognized as a brand
20 identifier for Microsoft's computer software.

21 41. Since at least May 15, 1991, Microsoft has used, in commerce, the trademark
22 "VISUAL BASIC" to promote computer software.

23 42. On November 1, 1990, Microsoft applied for the registration of the VISUAL
24 BASIC trademark. United States Trademark Registration No. 1,787,376 was issued on
25 August 10, 1993. *See* Exhibit O. The VISUAL BASIC trademark is broadly recognized as a
26 brand identifier for Microsoft's computer software.

COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF - 7

K:\2000\10303032\2182_SES\22182P20E1

KIRKPATRICK & LOCKHART
PRESTON GATES HILLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 624-7022

43. Since at least October 18, 1983, Microsoft has used, in commerce, the trademark and service mark "WINDOWS" to promote computer hardware, software, and other electronic services.

44. On August 20, 1990, Microsoft applied for the registration of the WINDOWS trademark and service mark. United States Trademark Registration No. 1,872,264 was issued on January 10, 1995. The WINDOWS trademark and service mark is also the subject of United States Trademark Registration Nos. 1,875,069, 1,989,386, 2,005,901, 2,212,784, 2,463,509, 2,463,510, 2,463,526, 2,513,051, and 2,565,965. *See* Exhibit P. The WINDOWS trademark and service mark is broadly recognized as a brand identifier for Microsoft's software and hardware products and for other electronic services.

45. Since at least November 1, 2001, Microsoft has used, in commerce, the trademark and service mark "XBOX" to promote television and video converters and related products, including the XBOX home entertainment system.

46. On October 18, 1999, Microsoft applied for the registration of the XBOX trademark and service mark. United States Trademark Registration No. 2,646,465 was issued on November 5, 2002. The XBOX trademark and service mark is also the subject of United States Trademark Registration Nos. 2,663,880, 2,698,179, 2,730,847, 2,738,849, 2,775,859, 2,776,769, 2,786,794, 2,792,744, 2,811,895, 2,841,854, 2,907,179, 2,934,666 and others. *See* Exhibit Q. The XBOX trademark and service mark is broadly recognized as a brand identifier for Microsoft's entertainment products.

47. Since at least November 15, 2002, Microsoft has used, in commerce, the trademark and service mark "XBOX LIVE" to promote entertainment services.

48. On September 27, 2002, Microsoft applied for the registration of the XBOX LIVE trademark and service mark. United States Trademark Registration No. 2,902,268 was issued on November 9, 2004. The XBOX LIVE trademark and service mark is also the subject of United States Trademark Registration Nos. 2,940,679 and 2,940,682. *See* Exhibit

COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF - 8

K:\2000103103032122182_SES22182P20E1

KIRKPATRICK & LOCKHART
PRUSTON GATES HILLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 624-7022

1 R. The XBOX LIVE trademark and service mark is broadly recognized as a brand identifier
2 for Microsoft's entertainment services.

3 49. Since at least November 22, 2005, Microsoft has used, in commerce, the
4 trademark "XBOX 360" to promote interactive game devices.

5 50. On May 12, 2005, Microsoft applied for the registration of the XBOX 360
6 trademark. United States Trademark Registration No. 3,252,556 was issued on June 12, 2007.
7 See Exhibit S. The XBOX 360 trademark and is broadly recognized as a brand identifier for
8 Microsoft's interactive game devices.

9 51. The Microsoft Marks, as well as others owned by Microsoft, are used in
10 interstate commerce in connection with the sale, offering for sale, distribution, and advertising
11 of Microsoft's products and services. The Microsoft Marks are distinctive and were
12 distinctive at the time of all acts alleged herein. As a result of Microsoft's substantial
13 investment, the Microsoft Marks have developed extensive goodwill in the market.
14 Accordingly, the Microsoft Marks are extremely valuable to Microsoft.
15

16 IV. MICROSOFT'S INTERNET PRESENCE

17 52. Microsoft also maintains a substantial presence on the Internet. Via the
18 Internet, Microsoft advertises its products and services, transacts business with its customers,
19 offers its customers access to many of its services, and provides product support, among other
20 things.

21 53. In order to provide its customers with easy access to its online products and
22 services, Microsoft has registered a number of Internet domain names. Many of these domain
23 names correspond to Microsoft's trademarks and service marks. Examples of such domain
24 names are <microsoft.com>; <microsoftwindows.com>; <xbox.com>; <msn.com>.

25 54. Each of these domain names, as well as others registered to Microsoft, resolves
26 to a Microsoft-created website that provides Microsoft's customers with information related

1 to Microsoft's products and services. These websites generate business for Microsoft and
2 allow Microsoft to maintain relationships with its customers.

3 **V. DEFENDANTS' UNLAWFUL ACTIONS**

4 55. Defendants are the registrants and users of numerous Internet domain names
5 that contain or consist of Microsoft's marks and/or intentional misspellings of Microsoft's
6 marks. These domain names are hereinafter referred to as the "Infringing Domain Names."
7 A representative, though not necessarily exhaustive, list of 71 defendants' Infringing Domain
8 Names is attached hereto as **Appendix A**.

9
10 56. The Infringing Domain Names are identical or confusingly similar to
11 Microsoft's marks. The Infringing Domain Names do not resolve to websites owned or
12 endorsed by Microsoft.

13 57. Many of the Infringing Domain Names resolve to websites that are controlled
14 by Defendants (collectively referred to as "Defendants' Websites"). Many of these websites
15 display advertisements and/or hyperlinks featuring goods or services that are directly
16 competitive with Microsoft products and services.

17
18 58. When a person looking for a Microsoft website lands on one of Defendants'
19 websites, that person may click on one of the advertisements or hyperlinks on the site either
20 because the person finds it easier to click on the advertisement or hyperlink than to continue
21 searching for the Microsoft site, or because the person mistakenly believes Microsoft has
22 authorized or endorsed the advertisements or hyperlinks. In either case, the person has been
23 diverted from the Microsoft website he or she was seeking to visit, and Microsoft has lost the
24 opportunity to interact with that person.

25
26 59. Defendants use the Infringing Domain Names to profit from the Microsoft

1 Marks. Upon information and belief, Defendants receive a payment when Internet users click
2 on one or more links or advertisements on the websites of the Infringing Domain Names.
3 Defendant receives these payments from one or more advertisers, affiliate programs, or search
4 engines.

5
6 60. Defendants are not affiliated with, or sponsored by, Microsoft and have not
7 been authorized by Plaintiff to use the Microsoft Marks. Defendants have not now or ever
8 been authorized by Plaintiff to use or register any name or mark that includes the Microsoft
9 Marks.

10 61. Upon information and belief, Defendants' registration and use of the Infringing
11 Domain Names is to primarily capitalize on the goodwill associated with the Microsoft
12 Marks.

13
14 **COUNT I**
15 **(Cybersquatting under the Anti-Cybersquatting Consumer Protection Act – 15 U.S.C. §**
16 **1125(d))**

17 62. Microsoft realleges and incorporates by this reference each and every
18 allegation set forth in paragraphs 1 through 61 above.

19 63. The Microsoft Marks were distinctive at the time Defendants registered the
20 Infringing Domain Names and remain distinctive today.

21 64. The Infringing Domain Names were identical or confusingly similar to the
22 Microsoft Marks at the time Defendants registered the Infringing Domain Names, and remain
23 so today.

24 65. Defendants have registered and used the Infringing Domain Names with bad
25 faith intent to profit from the goodwill established by Microsoft in the Microsoft Marks.
26

COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF - 11

K:\2000103\03012\22182, SES\22182P20E1

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

66. Defendants' registration and use of the Infringing Domain Names has caused and will continue to cause damage to Microsoft, in an amount to be proved at trial, and is causing irreparable harm to Microsoft, for which there is no adequate remedy at law. Therefore, Plaintiff is entitled to injunctive relief.

67. Microsoft is entitled to recover Defendants' profits, actual damages and costs in an amount to be proven at trial or statutory damages of up to \$100,000 per domain name, treble damages, attorneys' fees and transfer of the Infringing Domain Names to Microsoft.

COUNT II
(Trademark Infringement Under the Lanham Act- 15 U.S.C. § 1114)

68. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 67 above.

69. Defendants' wrongful and unauthorized use of the Microsoft Marks and counterfeits of the Microsoft Marks to promote, market, or sell products and services constitutes trademark infringement pursuant to 15 U.S.C. § 1114.

70. Defendants' intentional and willful infringement of the Microsoft Marks has caused and will continue to cause damage to Microsoft, in an amount to be proved at trial, and is causing irreparable harm to Microsoft for which there is no adequate remedy at law.

71. Microsoft is entitled to recover damages and to recover its costs herein in an amount to be proven at trial. Microsoft is also entitled to injunctive relief against Defendants.

72. Microsoft is further entitled to recovery of statutory damages, treble damages and attorneys' fees.

COUNT III
(False Designation of Origin Under the Lanham Act - 15 U.S.C. § 1125(a))

73. Microsoft realleges and incorporates by this reference each and every

COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF - 12

K:\2000103\03032\22182 SES\221B2P20E1

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2000
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 623 7580
FACSIMILE (206) 623-7022

allegation set forth in paragraphs 1 through 72 above.

74. The Microsoft Marks are distinctive marks that are associated with Microsoft and exclusively identify Microsoft's business, products, and services.

75. Defendants have used and continue to use the Microsoft Marks in connection with goods or services, in commerce, in a manner that is likely to cause confusion, mistake, or deception as to the origin, sponsorship, or approval of such goods or services.

76. Microsoft has been damaged by these acts in an amount to be proved at trial. Microsoft is also entitled to injunctive and other equitable relief against Defendants.

COUNT IV (Unfair Competition/False Advertising Under the Lanham Act - 15 U.S.C. § 1125(a))

77. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 76 above.

78. Defendants have used and continue to use the Microsoft Marks in connection with goods or services with false and misleading descriptions or representations of fact in commercial advertising or promotion, thereby misrepresenting the nature, characteristics, and qualities of their or another person's goods, services, or commercial activities.

79. Microsoft is entitled to damages in an amount to be proved at trial and attorneys' fees. Microsoft is also entitled to injunctive relief and other equitable relief against Defendants.

COUNT V (Unfair Business Practices - RCW § 19.86 *et seq*)

80. Microsoft realleges and incorporates by this reference each and every allegation set forth in paragraphs 1 through 79 above.

COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF - 13

K:\20001031\03032\22182_SES\22182P20E1

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 81. Defendants' use of the Microsoft Marks to promote, market, or sell products
2 and services constitutes an Unfair business practice pursuant to RCW § 19.86 *et seq.*
3 Defendants' use of the Microsoft Marks is an unfair or deceptive practice occurring in trade or
4 commerce that impacts the public interest and has caused injury to Microsoft.

5 82. Defendants' unfair business practice has caused and will continue to cause
6 damage to Microsoft, and is causing irreparable harm to Microsoft for which there is no
7 adequate remedy at law.

8 83. Defendants' actions violated RCW Ch. 19.86 *et seq.*, and Microsoft is entitled
9 to injunctive relief and to recovery of actual damages. Microsoft is also entitled to treble
10 damages and an award of its attorneys' fees and costs.

11
12 **COUNT VI**
(Washington Common Law Unfair Competition)

13 84. Microsoft realleges and incorporates by this reference each and every
14 allegation set forth in paragraphs 1 through 83 above.

15 85. Defendants' use of the Microsoft Marks has infringed on their distinctive
16 features in a manner that tends to confuse, in the public mind, Defendants' products and
17 advertising with Microsoft's products and advertising. Defendants' conduct has caused and
18 will continue to cause damage to Microsoft, and is causing irreparable harm to Microsoft for
19 which there is no adequate remedy at law.

20
21 **COUNT VII**
(Unjust Enrichment)

22 86. Microsoft realleges and incorporates by this reference each and every
23 allegation set forth in paragraphs 1 through 85 above.

24 87. The acts of Defendants complained of herein constitute unjust enrichment of
25 the Defendants at Microsoft's expense in violation of the common law of Washington.
26

1 88. Microsoft has been damaged in an amount to be proved at trial.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Microsoft respectfully requests that the Court enter judgment against
4 Defendants as follows:

5 1. That the Court issue temporary and permanent injunctive relief against
6 Defendants and that Defendants, their officers, agents, representatives, servants, employees,
7 attorneys, successors and assignees, and all others in active concert or participation with
8 Defendants, be enjoined and restrained from:

- 9 a) infringing Microsoft's trademarks and service marks;
- 10 b) registering, using or trafficking any domain names that are identical or
11 confusingly similar to the Microsoft Marks, including but not limited to domain names
12 containing the Microsoft Marks and domain names containing misspellings of the Microsoft
13 Marks;
- 14 c) assisting, aiding, or abetting any other person or business entity in engaging in
15 or performing any of the activities referred to in subparagraphs a) through b) above.

16 2. That the Court orders the forfeiture or cancellation of the Infringing Domain
17 Names and the transfer of the Infringing Domain Names to Microsoft;

18 3. That the Court award Microsoft actual damages, liquidated damages and
19 statutory damages, in amount to be proven at trial;

20 4. That the Court award Microsoft treble damages in an amount to be proven at
21 trial;

22 5. That the Court award Microsoft its attorneys' fees and costs incurred herein,
23 including prejudgment and post-judgment interest; and

24 6. That the Court grants Microsoft all other relief to which it is entitled and such
25 other or additional relief as is just and proper under these circumstances.

26

1 DATED this 10th day of September, 2007.

2
3 KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP

4
5 By 
6 David A. Bateman, WSBA # 14262
7 Pallavi Mehta Wahi WSBA # 32799
8 Attorneys for Plaintiff
9 Microsoft Corporation
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF - 16

K:\2000103\03032\22182_SES\22182P20E1

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1138
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

Appendix A – Defendants’ Infringing Domain Names

ageofempireii.com
 bccentraldirect.com
 broadbandmsn.com
 convertexceltopdf.com
 convertpdftoexcel.com
 directx10.com
 exceltutorial.com
 freexboxlive.com
 halomap.com
 hotmailchatroom.com
 interneexplorer.com
 linkexchangesuite.com
 mechwarior.com
 microsoftaccessdatabase.com
 microsoftantivirus.com
 microsoft-developer.com
 microsoftemail.com
 microsoftsqlserver.com
 microsoftstudent.com
 microsoftvisualbasic.com
 mmsnsearch.com
 msaccessdatabase.com
 msnaccount.com
 msnaearch.com
 msnantispyware.com
 msnbereconnect.com
 msnblockcheck.com
 msnblockdetect.com
 msnbrowser.com
 msndearch.com
 msndialup.com
 msnhomeadvisor.com
 msnhotmai.com
 msnhotmial.com
 msnmessegner.com
 msnmessenger.com
 msnmobile.com
 msnmuisc.com
 msnpersonal.com
 msnseearch.com
 msnscacch.com
 msnscarech.com
 msnscareg.com
 msnsearch.com
 msnseatch.com
 msnsccearch.com
 msnsearsh.com
 msnskin.com

COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF - 17

K:\2000103\03032\22182 SES\22182P20E1

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE (206) 624-7580
FACSIMILE (206) 624-7022

1 msnsearch.com
msnwallet.com
2 netmeetingtools.com
nightlymsn.com
3 powerpointprojector.com
powerpointtemplate.com
4 seaechmsn.com
searcgmsn.com
5 searcmsn.com
scarhmsn.com
6 serachmsn.com
sesrchmsn.com
7 windoms.com
windowmoviemaker.com
8 windowsmedaiplayer.com
windowsmedaplayer.com
9 windowsserver.com
windowssupdae.com
10 wwwxbox360.com
xbox360stock.com
11 xboxccts.com
xbox-games.net
12 xboxskin.com

13
14
15
16
17
18
19
20
21
22
23
24
25
26

COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF - 18

K:\2000\103\03032\22182 SE5\22182P20E1

KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7500
FACSIMILE: (206) 623-7022

Exhibit A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,238,869

United States Patent and Trademark Office

Registered May 8, 2007

**TRADEMARK
PRINCIPAL REGISTER**

ACCESS

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)

ONE MICROSOFT WAY

REDMOND, WA 980526399

FOR: GENERAL PURPOSE COMPUTER DATA-
BASE SOFTWARE, IN CLASS 9 (U.S. CLS. 21, 23, 26,
36 AND 38).

FIRST USE 11-0-1992; IN COMMERCE 11-0-1992.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,739,829, 1,741,086,
AND 2,254,102.

SEC. 2(F).

SER. NO. 78-559,056, FILED 2-2-2005.

ANNE E. GUSTASON, EXAMINING ATTORNEY

Exhibit B

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 2,137,862

United States Patent and Trademark Office

Registered Feb. 17, 1998

**TRADEMARK
PRINCIPAL REGISTER**

AGE OF EMPIRES

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980525399

FIRST USE 10-12-1997; IN COMMERCE
10-12-1997.

SN 75-108,153, FILED 5-22-1996.

FOR: COMPUTER PROGRAMS, NAMELY,
GAME SOFTWARE, IN CLASS 28 (U.S. CLS. 22,
23, 38 AND 50).

SCHUYLA GOODSON, EXAMINING ATTOR-
NEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,427,249

United States Patent and Trademark Office

Registered Feb. 6, 2001

**TRADEMARK
PRINCIPAL REGISTER**

AGE OF EMPIRES

MICROSOFT CORPORATION (WASHINGTON COR-
PORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FIRST USE 2-0-1999; IN COMMERCE 2-0-1999.
OWNER OF U.S. REG. NO. 2,137,862.

SN 75-432,061, FILED 2-10-1998.

FOR: SHIRTS, SWEATSHIRTS, JACKETS, CAPS,
SWEATERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

CAROLINE WEST, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,457,667

United States Patent and Trademark Office

Registered June 5, 2001

**TRADEMARK
PRINCIPAL REGISTER**

AGE OF EMPIRES

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

FIRST USE 10-0-1997; IN COMMERCE 10-0-1997.

OWNER OF U.S. REG. NO. 2,137,862.

**FOR: BOOKS, INSTRUCTION MANUALS, USER
GUIDES AND REFERENCE GUIDES ALL ION THE
FIELD OF COMPUTERS, COMPUTER NETWORKS
AND GLOBAL COMMUNICATION NEWWORKS,
COMPUTER PROGRAMS AND RELATED TOPICS,
IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).**

SN 75-432,063, FILED 2-10-1998.

BRETT TOLPIN, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,006,358

United States Patent and Trademark Office

Registered Oct. 11, 2005

**TRADEMARK
PRINCIPAL REGISTER**

AGE OF EMPIRES

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FIRST USE 10-12-1997; IN COMMERCE 10-12-1997.

OWNER OF U.S. REG. NOS. 2,137,862, 2,427,249,
AND 2,457,667.

FOR: COMPUTER PROGRAMS, NAMELY,
GAME SOFTWARE FOR USE ON COMPUTERS
AND VIDEO GAME PLAYERS; PRERECORDED
CDS AND DVDS FEATURING SOUND AND VIDEO
IN THE FIELDS OF MUSIC, LIVE ACTION PRO-
GRAMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SN 78-172,342, FILED 10-8-2002.

GINA HAYES, EXAMINING ATTORNEY

Exhibit C

Int. Cls.: 38, 39, and 42

Prior U.S. Cls.: 100, 101, 104, and 105

Reg. No. 2,767,069

United States Patent and Trademark Office

Registered Sep. 23, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

BCENTRAL

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: PROVIDING MULTIPLE USER ACCESS TO WEB SITES ON A GLOBAL COMPUTER NETWORK, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 10-0-1999; IN COMMERCE 10-0-1999.

FOR: TRAVEL INFORMATION SERVICES, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 10-0-1999; IN COMMERCE 10-0-1999.

FOR: COMPUTER AND COMPUTER INFORMATION SERVICES, NAMELY, PROVIDING TECHNICAL ASSISTANCE TO OTHERS IN THE FIELD OF

WEB SITE MANAGEMENT, EMAIL MANAGEMENT SERVICES AND SECURITY SERVICES FOR WEB SITES; PROVIDING TECHNICAL INFORMATION ON WEB ACCESS, WEB SITE MANAGEMENT, EMAIL MANAGEMENT AND WEB SITE SECURITY VIA COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS; AND WEB HOSTING SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 10-0-1999; IN COMMERCE 10-0-1999.

SN 75-780,978, FILED 8-20-1999.

BARBARA BROWN, EXAMINING ATTORNEY

Exhibit D

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,051,539

United States Patent and Trademark Office

Registered Apr. 8, 1997

**TRADEMARK
PRINCIPAL REGISTER**

DIRECTX

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

**PLICATION PROGRAMS, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).**

**FIRST USE 10-2-1995; IN COMMERCE
10-2-1995.**

SN 74-716,755, FILED 8-17-1995.

**FOR: COMPUTER PROGRAMS FOR USE IN
THE DESIGN, DEVELOPMENT AND EXECU-
TION OF GAME PROGRAMS AND OTHER AP-**

**WANDA KAY PRICE, EXAMINING ATTOR-
NEY**

Exhibit E

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,942,050

Registered Apr. 19, 2005

TRADEMARK
PRINCIPAL REGISTER

EXCEL

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER SOFTWARE, NAMELY,
SPREADSHEET SOFTWARE; AND COMPUTER
PROGRAMS FOR CREATING CHARTS AND
GRAPHS FROM ELECTRONIC SPREADSHEETS,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-30-1985; IN COMMERCE 9-30-1985.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-400,429, FILED 4-12-2004.

WON TEAK OH, EXAMINING ATTORNEY

Exhibit F

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,598,381

United States Patent and Trademark Office

Registered July 23, 2002

**TRADEMARK
PRINCIPAL REGISTER**

HALO

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052 BY MERGER BUNGIE SOFT-
WARE PRODUCTS CORPORATION (ILLINOIS
CORPORATION) CHICAGO, IL 60610

FIRST USE 11-15-2001; IN COMMERCE 11-15-2001.

SN 75-638,523, FILED 2-11-1999.

FOR: COMPUTER GAME SOFTWARE, IN CLASS
9 (U.S. CLS. 21, 23, 26, 36 AND 38).

CHARLES JOYNER, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,837,420

United States Patent and Trademark Office

Registered Apr. 27, 2004

**TRADEMARK
PRINCIPAL REGISTER**

HALO

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

FIRST USE 10-0-2001; IN COMMERCE 10-0-2001.

**FOR: PUBLICATIONS, NAMELY, A SERIES OF
FICTION BOOKS, STRATEGY GUIDES ALL IN THE
FIELD OF SCIENCE FICTION, GAMES AND EN-
TERTAINMENT, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23,
29, 37, 38 AND 50).**

SN 78-975,182, FILED 3-27-2001.

**ANDREA K. NADELMAN, EXAMINING ATTOR-
NEY**

Exhibit G

Int. Cls.: 35 and 38

Prior U.S. Cls.: 100, 101, 102 and 104

Reg. No. 2,165,601

United States Patent and Trademark Office

Registered June 16, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

HOTMAIL

HOTMAIL CORPORATION (CALIFORNIA
CORPORATION)
1290 OAKMEAD PARKWAY, SUITE 218
SUNNYVALE, CA 94086

FOR: ADVERTISING AND MARKETING
SERVICES, NAMELY, PROMOTING THE
GOODS AND SERVICES OF OTHERS BY
PLACING ADVERTISEMENTS AND PROMO-
TIONAL DISPLAYS IN AN ELECTRONIC SITE
ACCESSED THROUGH COMPUTER NET-
WORKS AND BY DELIVERING ADVERTISE-
MENTS AND PROMOTIONAL MATERIALS TO

OTHERS VIA ELECTRONIC MAIL, IN CLASS
35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-4-1996; IN COMMERCE
7-4-1996.

FOR: ELECTRONIC MAIL SERVICES, IN
CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 7-4-1996; IN COMMERCE
7-4-1996.

SER. NO. 75-272,783, FILED 4-10-1997.

EDWARD NELSON, EXAMINING ATTORNEY

Exhibit H

Int. CL: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,277,112

United States Patent and Trademark Office

Registered Sep. 14, 1999

**TRADEMARK
PRINCIPAL REGISTER**

INTERNET EXPLORER

**SYNET, INC. (ILLINOIS CORPORATION)
2148 OXNARD DRIVE
DOWNERS GROVE, IL 60516**

**FOR: BROWSERS, NAMELY, SOFTWARE
FOR BROWSING THE GLOBAL COMPUTER
NETWORK AND SECURE PRIVATE NET-
WORKS AND SOFTWARE PROGRAMS TO
CONNECT COMPUTERS TO THE GLOBAL
COMPUTER NETWORK AND TO SECURE PRI-**

**VATE NETWORKS, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).**

**FIRST USE 10-0-1994; IN COMMERCE
1-1-1993.**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "INTERNET", APART FROM
THE MARK AS SHOWN.**

SER. NO. 75-340,051, FILED 4-13-1997.

JENNIFER KRISP, EXAMINING ATTORNEY

Exhibit I

Int. Cls.: 35 and 42

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,199,349

United States Patent and Trademark Office

Registered Oct. 27, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

LINKEXCHANGE

LINKEXCHANGE, INC. (CALIFORNIA CORPORATION)
217 SECOND STREET
SAN FRANCISCO, CA 94105, BY CHANGE OF
NAME FROM LINK EXCHANGE, INC.
(CALIFORNIA CORPORATION) SAN FRANCISCO, CA 94105

FOR: ADVERTISING SERVICES, NAMELY, ADVERTISING THE GOODS AND SERVICES OF OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-1-1996; IN COMMERCE 3-1-1996.

FOR: PROVIDING ELECTRONIC DATABASE ON GLOBAL COMPUTER NETWORKS DEALING WITH CONNECTED WEB SITES ARRANGED BY SHARED INTERESTS OF USERS FOR THE PURPOSE OF ADVERTISING THE GOODS AND SERVICES OF USERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 3-1-1996; IN COMMERCE 3-1-1996.

SER. NO. 75-235,084, FILED 2-3-1997.

RICHARD A. STRASER, EXAMINING ATTORNEY

Exhibit J

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,508,485

Registered Nov. 20, 2001

**TRADEMARK
PRINCIPAL REGISTER**

MECHWARRIOR

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

FIRST USE 12-31-1989; IN COMMERCE 12-31-1989.

**FOR: COMPUTER PROGRAMS, NAMELY GAME
SOFTWARE FOR USE ON COMPUTERS AND VI-
DEO GAME PLAYERS, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).**

SER. NO. 75-677,827, FILED 4-8-1999.

ESTHER A. BORSUK, EXAMINING ATTORNEY

Exhibit K

Certificate of Correction

Registered July 6, 1982

Registration No. 1,200,236

Microsoft Corporation, by change of name and assignment from Microsoft

It is hereby certified that the above identified registration is in error requiring correction as follows:

In the statement, column 1, before line 1, *Microsoft Corporation (Washington corporation), 10700 Northup Way, Bellevue, Wash. 98004, by change of name and assignment from* should be inserted.

The said registration should be read as corrected above.

Signed and sealed this 3rd day of April 1984.

[SEAL]

Attest:

MICHAEL J. HYNAR,
Attesting Officer.

GERALD J. MOSSINGHOFF,
Commissioner of Patents and Trademarks.

Int. Cls.: 9 and 42

Prior U.S. Cls.: 26, 38 and 101

United States Patent and Trademark Office

Reg. No. 1,200,236

Registered Jul. 6, 1982

TRADEMARK
SERVICE MARK
Principal Register

MICROSOFT

Microsoft (partnership)
Suite 819
10800 NE 8th
Bellevue, Wash. 98004

VICES, in CLASS 42 (U.S. Cl. 101)

First use Nov. 12, 1975; in commerce Nov. 12, 1975

For: COMPUTER PROGRAMS, in CLASS 9
(U.S. Cls. 26 and 38).

First use Nov. 12, 1975; in commerce Nov. 12, 1975.

For: COMPUTER PROGRAMMING SER-

Ser. No. 236,080, filed Oct. 22, 1979.

B. H. VERTIZ, Primary Examiner

CHERYL LYNNE HENDERSON, Examiner

Int. Cl.: 38

Prior U.S. Cls.: 100, 101 and 104

Reg. No. 1,966,382
United States Patent and Trademark Office Registered Apr. 9, 1996

**SERVICE MARK
PRINCIPAL REGISTER**

MICROSOFT

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: TELECOMMUNICATIONS SERVICES,
NAMELY THE RECEIPT AND DELIVERY OF
MESSAGES, DOCUMENTS AND OTHER DATA
BY ELECTRONIC TRANSMISSION, IN CLASS
38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 3-24-1987; IN COMMERCE
3-24-1987.

OWNER OF U.S. REG. NOS. 1,200,236, 1,731,160
AND OTHERS.

SER. NO. 74-590,997, FILED 10-26-1994

PAUL KRUSE, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cls.: 100, 101 and 104

Reg. No. 2,250,973

United States Patent and Trademark Office

Registered June 8, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

MICROSOFT

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: TELECOMMUNICATION SERVICES,
NAMELY, THE RECEIPT AND DELIVERY OF
MESSAGES, DOCUMENTS, IMAGES AND
OTHER DATA BY ELECTRONIC TRANSMIS-
SION; ELECTRONIC MAIL SERVICES; PRO-
VIDING BULLETIN BOARD SERVICES AND

CHAT SERVICES BY MEANS OF GLOBAL
COMMUNICATION NETWORKS, IN CLASS 38
(U.S. CLS. 100, 101 AND 104).

FIRST USE 3-7-1993; IN COMMERCE
3-7-1995.

OWNER OF U.S. REG. NOS. 1,200,236, 1,673,353
AND OTHERS.

SER. NO. 75-358,289, FILED 9-17-1997.

G. T. OLYNN, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,285,870

United States Patent and Trademark Office

Registered Oct. 12, 1999

**TRADEMARK
PRINCIPAL REGISTER**

MICROSOFT

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER PROGRAMS FOR USE IN AUTOMOBILES, NAMELY, COMPUTER PROGRAMS FOR MONITORING AUTOMOBILE PERFORMANCE, FOR MAPPING AND NAVIGATION, FOR ELECTRONIC MAIL AND WIRELESS COMMUNICATION, FOR MAINTAINING PERSONAL DIRECTORIES, CONTACT LISTS, ADDRESS AND TELEPHONE NUMBER LISTS; OPERATING SYSTEM PROGRAMS AND UTILITIES; COMPUTER PROGRAMS FOR USE IN THE DEVELOPMENT OF OTHER PROGRAMS FOR USE IN AUTOMOBILE COMPUTERS; AND COMPUTER PROGRAMS FOR PROVIDING ENTERTAINMENT, TRAFFIC INFORMATION, NEWS AND OTHER INFORMATION; COMPUTER PROGRAMS FOR WALLET-SIZED PERSONAL COMPUTERS, NAMELY, PERSONAL INFORMATION MANAGER PROGRAMS WITH CALENDARS, CONTACT INFORMATION FILES AND TO DO LISTS; NOTE TAKING PROGRAMS; PROGRAMS FOR FACILITATING VOICE, TEXT AND PEN INPUT; ELECTRONIC MAIL PROGRAM; ACCESS PROGRAMS FOR GLOBAL COMMUNICATION NETWORKS; PROGRAMS

FOR WIRELESS COMMUNICATIONS; OPERATING SYSTEM PROGRAMS AND UTILITIES; COMPUTER PROGRAMS FOR USE IN DEVELOPING OTHER PROGRAMS FOR USE ON WALLET-SIZED PERSONAL COMPUTERS; COMPUTER PROGRAMS FOR USE WITH PHONES AND PAGERS; COMPUTER PROGRAMS FOR ACCESSING GLOBAL COMMUNICATION NETWORKS AND DISPLAYING CONTENT THEREFROM; COMPUTER PROGRAMS FOR ELECTRONIC PAGERS AND ELECTRONIC PAGER MODULES, NAMELY, OPERATING SYSTEM PROGRAMS AND UTILITIES; COMPUTER PROGRAMS FOR PROVIDING PAGING AND WIRELESS COMMUNICATION FUNCTIONS; COMPUTER PROGRAMS FOR USE WITH HAND-HELD COMPUTERS, NAMELY, OPERATING SYSTEM AND UTILITY PROGRAMS; A FULL LINE OF BUSINESS APPLICATION PROGRAMS FOR USE WITH HAND-HELD COMPUTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-0-1980; IN COMMERCE 12-0-1981.

OWNER OF U.S. REG. NOS. 1,966,382, 2,042,216, AND OTHERS.

SN 75-180,620, FILED 10-10-1996.

HENRY S. ZAK, EXAMINING ATTORNEY

Exhibit L

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,153,763

United States Patent and Trademark Office

Registered Apr. 28, 1998

**TRADEMARK
PRINCIPAL REGISTER**

MSN

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98073

FOR: COMPUTER PROGRAMS FOR TRANS-
MITTING AND RECEIVING ELECTRONIC
MAIL, TEXT, GRAPHICS, AUDIO, VIDEO AND
OTHER DATA FROM A REMOTE COMPUTER
NETWORK AND FOR ACCESSING GLOBAL
COMMUNICATIONS NETWORKS; COMPUTER
PROGRAMS FOR ACCESSING INTERACTIVE
GAMES AND ON-LINE SHOPPING SERVICES;
COMPUTER PROGRAMS FOR ACCESSING IN-
FORMATION IN A WIDE VARIETY OF

FIELDS INCLUDING NEWS, ENTERTAIN-
MENT, MUSIC, TRAVEL, INVESTMENTS,
SPORTS, COMPUTERS, PARENTING, AND
GENERAL REFERENCE INFORMATION, IN
CLASS 9 (U.S. CLS. 21, 23, 26 AND 38).

FIRST USE 1-7-1998, IN COMMERCE
1-7-1998.

OWNER OF U.S. REG. NOS. 2,014,296,
2,042,002, AND 2,043,004.

SER. NO. 71-230,924, FILED 4-23-1997.

SCHUYLA GOODSON, EXAMINING ATTOR-
NEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,201,105

United States Patent and Trademark Office

Registered Nov. 3, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

MSN

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98073

FOR PROVIDING INFORMATION IN A
WIDE VARIETY OF NON-MUSIC RELATED
FIELDS OVER COMPUTER NETWORKS AND
GLOBAL COMMUNICATION NETWORKS;
PROVIDING GENERAL REFERENCE INFOR-
MATION OVER COMPUTER NETWORKS AND
GLOBAL COMMUNICATION NETWORKS;
PROVIDING INFORMATION CONCERNING
PARENTING AND CHILDREN'S HEALTH, NU-
TRITION, AND WELL BEING OVER COMPUT-
ER NETWORKS AND GLOBAL COMMUNICA-
TION NETWORKS; PROVIDING INFORMA-
TION CONCERNING COMPUTERS AND COM-
PUTER SOFTWARE OVER COMPUTER NET-

WORKS AND GLOBAL COMMUNICATION
NETWORKS; PROVIDING ACCESS TO COM-
PUTER DATA BASES AND WEB SITES OF
OTHERS IN VARIOUS FIELDS BY MEANS OF
A GLOBAL COMMUNICATIONS NETWORK;
PROVIDING BULLETIN BOARD SERVICES
AND CHAT SERVICES BY MEANS OF
GLOBAL COMMUNICATION NETWORKS;
ELECTRONIC MAIL SERVICES, IN CLASS 42
(U.S. CLS. 100 AND 101).

FIRST USE 3-7-1993, IN COMMERCE
3-7-1993.

OWNER OF U.S. REG. NOS. 1,014,196,
2,041,002, AND 2,043,004.

SER. NO. 73-280,961, FILED 4-23-1997.

KATHERINE STODER, EXAMINING ATTOR-
NEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 2,418,517

United States Patent and Trademark Office

Registered Jan. 9, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

MSN

MICROSOFT CORPORATION (WASHINGTON COR-
PORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052-6399

FIRST USE 3-7-1995; IN COMMERCE 3-7-1995.
OWNER OF U.S. REG. NOS. 2,814,296, 2,043,802,
AND 2,043,804.

FOR PROVIDING INFORMATION IN THE FIELDS
OF MOVIES AND SPORTS VIA A GLOBAL COM-
PUTER NETWORK. IN CLASS 41 (U.S. CLS. 100,
101 AND 107).

SER. NO. 75-288,974, FILED 4-23-1997.

KATHERINE STOIDES, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,459,987

United States Patent and Trademark Office

Registered June 12, 2001

**TRADEMARK
PRINCIPAL REGISTER**

MSN

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FIELD OF COMPUTERS, COMPUTER NETWORKS
AND GLOBAL COMMUNICATION NETWORKS,
COMPUTER PROGRAMS AND RELATED TOPICS,
IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: PENS, PENCILS, MARKERS, STATIONERY,
STATIONARY-TYPE PORTFOLIOS, CLIPBOARDS,
DESK SETS, MOUNTED AND UNMOUNTED PHOTO-
GRAPHS, POSTERS, MAGNETIC BOARDS,
MEMO PADS, BINDERS, PAPERWEIGHTS, PAPER
COASTERS, CALENDARS, NOTEBOOKS, BOOK
COVERS, STICKER BOOKS, AND GREETING
CARDS; NEWSLETTERS, PAMPHLETS, MAGA-
ZINES, BOOKS, INSTRUCTION MANUALS, USER
GUIDES AND REFERENCE GUIDES ALL IN THE

FIRST USE 8-24-1995; IN COMMERCE 8-24-1995.

OWNER OF U.S. REG. NOS. 2,043,002, 2,128,057,
AND OTHERS.

SN 75-432,067, FILED 2-10-1998.

BRETT TOLPIN, EXAMINING ATTORNEY

Exhibit M

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,182,726

United States Patent and Trademark Office

Registered Aug. 18, 1998

**TRADEMARK
PRINCIPAL REGISTER**

NETMEETING

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980525399**

**ER NETWORKS, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).**

**FIRST USE 5-29-1996; IN COMMERCE
5-29-1996.**

SN 75-107,491, FILED 5-21-1996.

**FOR: COMPUTER PROGRAMS FOR PRO-
VIDING REAL-TIME, MULTIMEDIA, MULTI-
PARTY COMMUNICATIONS OVER COMPUT-**

**ANGELA M. MICHELI, EXAMINING ATTOR-
NEY**

Exhibit N

Int. Cl.: 9

Prior U.S. Cl.: 38

Reg. No. 1,475,795
d Feb. 9, 1988

Int. Cl.: 9

Prior U.S. Cl.: 38

United States Patent and Trademark Office
Corrected

Reg. No. 1,475,795
Registered Feb. 9, 1988
OG Date June 28, 1988

TRADEMARK
PRINCIPAL REGISTER

POWERPOINT

COMMERCE

987.

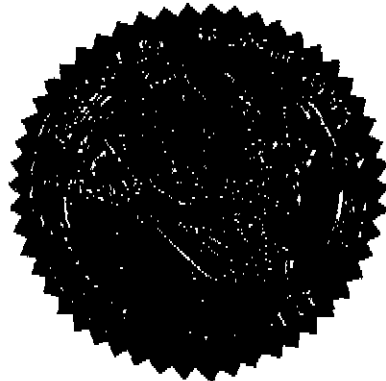
INING ATTORNEY

MICROSOFT CORPORATION (DELA-
WARE CORPORATION)
BOX 97017
16011 NE WAY
REDMOND, WA 98073-9717, ASSIGNEE
OF FORETHOUGHT, INC. (CALIFOR-
NIA CORPORATION) SUNNYVALE,
CA

FOR: PRERECORDED COMPUTER
PROGRAMS RECORDED ON MAGNET-
IC DISKS, IN CLASS 9 (U.S. CL. 38).

FIRST USE 4-20-1987; IN COMMERCE
4-20-1987.

SER. NO. 669,735, FILED 6-29-1987.



*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on June 28, 1988.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Exhibit O

Int. Cl.: 9

Prior U.S. Cls.: 26 and 38

United States Patent and Trademark Office Reg. No. 1,787,376
Registered Aug. 10, 1993

**TRADEMARK
PRINCIPAL REGISTER**

VISUAL BASIC

MICROSOFT CORPORATION (DELAWARE
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER PROGRAMS; NAMELY,
UTILITY PROGRAMS, LANGUAGE PROCES-
SORS AND INTERPRETERS, AND DOCUMEN-
TATION SOLD THEREWITH AS A UNIT, IN
CLASS 9 (U.S. CLS. 26 AND 38).

FIRST USE 5-15-1991; IN COMMERCE
5-15-1991.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BASIC", APART FROM THE
MARK AS SHOWN.

SN 74-111,826, FILED 11-1-1990.

LINDA W. BUSHEE, EXAMINING ATTORNEY

Exhibit P

Int. Cl.: 9

Prior U.S. Cl.: 38

United States Patent and Trademark Office **Reg. No. 1,872,264**
Registered Jan. 10, 1995

TRADEMARK
PRINCIPAL REGISTER

WINDOWS

MICROSOFT CORPORATION (DELAWARE
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FIRST USE 10-18-1983; IN COMMERCE
10-18-1983.

SEC. 2(F).

FOR: COMPUTER PROGRAMS AND MANU-
ALS SOLD AS A UNIT; NAMELY, GRAPHICAL
OPERATING ENVIRONMENT PROGRAMS
FOR MICROCOMPUTERS, IN CLASS 9 (U.S.
CL. 38).

SER. NO. 74-090,419, FILED 8-20-1990.

ESTHER BELENKER, EXAMINING ATTOR-
NEY

Int. Cl.: 9

Prior U.S. Cl.: 38

United States Patent and Trademark Office **Reg. No. 1,875,069**
Registered Jan. 24, 1995

**TRADEMARK
PRINCIPAL REGISTER**

WINDOWS

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399, BY MERGER AND
CHANGE OF NAME FROM MICROSOFT CORPORATION (DELAWARE CORPORATION) REDMOND, WA 980526399

FOR: CARTRIDGES CONTAINING SOFTWARE FOR OPERATING OR ENHANCING THE OPERATION OF LASER PRINTERS, WHICH CARTRIDGES ARE TO BE INSERTED

INTO THE PRINTERS, AND ACCOMPANYING SOFTWARE FOR INSTALLATION IN COMPUTERS WHICH COMMUNICATE WITH THE PRINTERS, IN CLASS 9 (U.S. CL. 38).

FIRST USE 12-30-1992; IN COMMERCE 12-30-1992.

SER. NO. 74-274,174, FILED 5-8-1992.

ESTHER BELENKER, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21 and 38

United States Patent and Trademark Office

Reg. No. 1,989,386

Registered July 30, 1996

**TRADEMARK
PRINCIPAL REGISTER**

WINDOWS

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052, BY MERGER, MERGER
AND CHANGE OF NAME FROM MICROSOFT CORPORATION (DELAWARE CORPORATION) REDMOND, WA 980526399

FOR: SOUND SYSTEM FOR PERSONAL COMPUTERS COMPRISING CIRCUIT BOARD, MICROPHONE, HEADPHONES, COMPUTER PROGRAMS FOR RECORDING AND GENERATING SOUNDS FOR USE THEREWITH AND

MANUALS THEREFOR SOLD AS A UNIT, IN CLASS 9 (U.S. CLS. 21 AND 38).

FIRST USE 10-1-1992; IN COMMERCE 10-1-1992.

OWNER OF U.S. REG. NOS. 1,872,264 AND 1,875,069.

SEC. 2(F).

SER. NO. 74-413,669, FILED 7-16-1993.

ESTHER BELENKER, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

United States Patent and Trademark Office

Reg. No. 2,005,901

Registered Oct. 8, 1996

**TRADEMARK
PRINCIPAL REGISTER**

WINDOWS

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: PUBLICATIONS, NAMELY USER
MANUALS, INSTRUCTION GUIDES, REFER-
ENCE GUIDES, NEWSLETTERS, MAGAZINES,
BOOKS ABOUT COMPUTER PROGRAMS, IN
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND
50).

FIRST USE 11-0-1985; IN COMMERCE
11-0-1985.

OWNER OF U.S. REG. NOS. 1,872,264 AND
1,947,103.

SEC. 2(F).

SER. NO. 74-716,365, FILED 8-16-1995.

ESTHER BELENKER, EXAMINING ATTOR-
NEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,212,784

United States Patent and Trademark Office

Registered Dec. 22, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

WINDOWS

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

**FOR: ARRANGING AND CONDUCTING
TRADE SHOWS FEATURING COMPUTERS,
COMPUTER SOFTWARE AND COMPUTER
SOFTWARE RELATED PRODUCTS, IN CLASS
35 (U.S. CLS. 100, 101 AND 102).**

**FIRST USE 5-0-1991; IN COMMERCE
5-0-1991.**

**OWNER OF U.S. REG. NOS. 1,872,264, 1,955,219
AND OTHERS.
SEC. 2(F).**

SER. NO. 75-371,267, FILED 10-10-1997.

**ESTHER BELENKER, EXAMINING ATTOR-
NEY**

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,463,509

United States Patent and Trademark Office

Registered June 26, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

WINDOWS

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052

SOFTWARE RELATED PRODUCTS, IN CLASS 35
(U.S. CLS. 100, 101 AND 102).

FIRST USE 5-0-1991; IN COMMERCE 5-0-1991.

FOR: MAIL ORDER AND ON-LINE DISTRIBUTORSHIP SERVICES FEATURING COMPUTER SOFTWARE AND PUBLICATIONS ON COMPUTER HARDWARE AND SOFTWARE; ON-LINE RETAIL SERVICES FEATURING COMPUTER HARDWARE, SOFTWARE AND PUBLICATIONS ON COMPUTER HARDWARE AND SOFTWARE; LICENSING OF COMPUTER SOFTWARE; ARRANGING AND CONDUCTING TRADE SHOWS FEATURING COMPUTERS, COMPUTER SOFTWARE AND COMPUTER

OWNER OF U.S. REG. NOS. 1,872,264, 2,212,784
AND OTHERS.

SEC. 2(F).

SER. NO. 75-868,853, FILED 12-10-1999.

ROBERT LORENZO, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,463,510

Registered June 26, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

WINDOWS

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052

FOR: COMPUTER SERVICES, NAMELY PROVIDING TECHNICAL SUPPORT, INFORMATION AND CONSULTATION SERVICES IN THE FIELDS OF COMPUTER HARDWARE, COMPUTER SOFTWARE AND COMPUTER OPERATING SYSTEMS, ALL OFFERED VIA COMPUTER NETWORKS AND GLOBAL COMMUNICATIONS NETWORKS; COMPUTER HARDWARE AND SOFTWARE TESTING SERVICES; COMPUTER SERVICES, NAMELY PROVIDING SOFTWARE UPDATES VIA COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS; COMPUTER SERVICES, NAMELY PROVIDING AN ON-LINE MAGAZINE IN THE

FIELD OF COMPUTERS AND COMPUTER SOFTWARE; INTERNET SEARCH ENGINES SERVICES; PROVIDING ONLINE RESEARCH SERVICES FOR OTHERS IN VARIOUS FIELDS; LICENSING OF INTELLECTUAL PROPERTY . IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-0-1996; IN COMMERCE 5-0-1996.

OWNER OF U.S. REG. NOS. 1,872,264, 2,212,784 AND OTHERS.

SEC. 2(F).

SER. NO. 75-868,854, FILED 12-10-1999.

ROBERT LORENZO, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 2,463,526

Registered June 26, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

WINDOWS

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052

FIRST USE 1-26-1998; IN COMMERCE 1-26-1998.

OWNER OF U.S. REG. NOS. 1,872,264, 2,212,784
AND OTHERS.

SEC. 2(F).

SER. NO. 75-879,977, FILED 12-22-1999.

FOR: PROVIDING INFORMATION OVER COM-
PUTER NETWORKS AND GLOBAL COMMUNICA-
TION NETWORKS IN THE FIELDS OF
ENTERTAINMENT, MUSIC, AND INTERACTIVE
GAMES; EDUCATION SERVICES, NAMELY ON-
LINE TUTORIALS IN THE FIELD OF COMPUTERS
AND COMPUTER SOFTWARE, IN CLASS 41 (U.S.
CLS. 100, 101 AND 107).

ESTHER BELENKER, EXAMINING ATTORNEY

Int. CL: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,513,051

United States Patent and Trademark Office

Registered Nov. 27, 2001

**TRADEMARK
PRINCIPAL REGISTER**

WINDOWS

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: SMART CARDS, NAMELY, MEMORY CARDS, INTEGRATED CIRCUIT CARDS, CARDS CONTAINING MICROCIRCUITS; OPERATING SYSTEM PROGRAMS AND UTILITY PROGRAMS FOR USE WITH SMART CARDS; COMPUTER SOFTWARE FOR USER AUTHENTICATION, SIGNATURE AND KEY SECURITY AND EXCHANGE, AND DATA EXCHANGE; COMPUTER PROGRAMS FOR DEVELOPING OTHER COMPUTER PROGRAMS; COMPILER PROGRAMS, DEBUGGER PROGRAMS AND UTILITY PROGRAMS FOR USE IN CREATING APPLICATIONS FOR USE ON AND WITH SMART CARDS AND OTHER SMART CARD

PROGRAMS; COMPUTER PROGRAMS FOR ASSISTING DEVELOPERS IN CREATING PROGRAM CODE FOR USE ON AND WITH SMART CARDS AND OTHER SMART CARD PROGRAMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-2000; IN COMMERCE 2-0-2000.

OWNER OF U.S. REG. NOS. 1,872,264, 1,875,069, AND OTHERS.

SEC. 2(F).

SN 75-573,286, FILED 10-20-1998.

ESTHER BELENKER, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,565,965

United States Patent and Trademark Office

Registered Apr. 30, 2002

**TRADEMARK
PRINCIPAL REGISTER**

WINDOWS

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER PROGRAMS FOR USE IN AUTOMOBILES, NAMELY, COMPUTER PROGRAMS FOR MONITORING AUTOMOBILE PERFORMANCE, FOR MAPPING AND NAVIGATION, FOR ELECTRONIC MAIL AND WIRELESS COMMUNICATIONS, FOR MAINTAINING PERSONAL DIRECTORIES, CONTACT LISTS, ADDRESS AND TELEPHONE NUMBER LISTS; OPERATING SYSTEM PROGRAMS AND UTILITIES; COMPUTER PROGRAMS FOR WALLET-SIZED PERSONAL COMPUTERS, NAMELY, PERSONAL INFORMATION MANAGER PROGRAMS WITH CALENDARS, CONTACT INFORMATION FILES AND TO DO LISTS; PROGRAMS FOR FACILITATING VOICE, TEXT AND PEN INPUT; ACCESS PROGRAMS FOR GLOBAL COMMUNICATION NETWORKS; COM-

PUTER PROGRAMS FOR ACCESSING GLOBAL COMMUNICATION NETWORKS AND DISPLAYING CONTENT THEREFROM; AND COMPUTER PROGRAMS FOR USE WITH HAND-HELD COMPUTERS, NAMELY, OPERATING SYSTEM AND UTILITY PROGRAMS; A FULL LINE OF BUSINESS APPLICATION PROGRAMS FOR USE WITH HAND-HELD COMPUTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1984; IN COMMERCE 0-0-1984.

OWNER OF U.S. REG. NOS. 1,872,264, 2,005,901, AND OTHERS.

SEC. 2(F).

SN 75-980.682, FILED 10-10-1996.

ESTHER BELENKER, EXAMINING ATTORNEY

Exhibit Q

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,646,465

Registered Nov. 5, 2002

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
LEGAL DEPARTMENT
ONE MICROSOFT WAY
REDMOND, WA 980526399**

**FOR USE WITH THE ABOVE REFERENCED MA-
CHINES; USER MANUALS THEREFOR SOLD AS A
UNIT THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26,
36 AND 38).**

**FOR: VIDEO GAME PLAYER MACHINES FOR
USE WITH TELEVISIONS AND COMPUTERS; COM-
PUTER AND VIDEO GAME CONTROLLERS; COM-
PUTER SOFTWARE FOR PLAYING COMPUTER
AND VIDEO GAMES; OPERATING SYSTEM SOFT-
WARE PROGRAMS AND UTILITY PROGRAMS**

FIRST USE 11-21-2001; IN COMMERCE 11-21-2001.

SN 75-981,476, FILED 10-18-1999.

LYNN A. LUTHEY, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,663,880

United States Patent and Trademark Office

Registered Dec. 17, 2002

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052**

**WARE FOR OPERATING GAME CONTROLLERS,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

FIRST USE 11-21-2001; IN COMMERCE 11-21-2001.

**FOR: INTERACTIVE VIDEO GAME DEVICES
COMPRISED OF COMPUTER HARDWARE AND
SOFTWARE AND ACCESSORIES, NAMELY, GAME
CONSOLES, GAME CONTROLLERS, AND SOFT-**

SN 75-982,801, FILED 2-25-2000.

**CHRISTOPHER BUONGIORNO, EXAMINING AT-
TORNEY**

Int. Cls.: 9, 38, and 41

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 104, and 107

Reg. No. 2,698,179

United States Patent and Trademark Office

Registered Mar. 18, 2003

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

XBOX

**MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052**

FOR: PROVIDING COMPUTER GAMES AND VIDEO GAMES DOWNLOADABLE OVER COMPUTER GLOBAL COMMUNICATIONS NETWORKS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-23-2002; IN COMMERCE 8-23-2002.

FOR: PROVIDING ON-LINE CHAT ROOMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING VIDEO AND COMPUTER GAMES; PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING VIDEO AND COMPUTER GAMES, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 8-23-2002; IN COMMERCE 8-23-2002.

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING INTERACTIVE MULTIPLAYER GAME SERVICES FOR GAMES PLAYED OVER COMPUTER NETWORKS AND GLOBAL COMMUNICATIONS NETWORKS; PROVIDING INFORMATION ON THE VIDEO GAME AND COMPUTER GAME INDUSTRIES VIA THE INTERNET; AND PROVIDING INFORMATION ON COMPUTER GAMES, VIDEO GAMES, VIDEO GAME CONSOLES AND ACCESSORIES THEREOF VIA THE INTERNET, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-23-2002; IN COMMERCE 8-23-2002.

SN 75-928,025, FILED 2-25-2000.

CHRISTOPHER BUONGIORNO, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,730,847

United States Patent and Trademark Office

Registered June 24, 2003

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

**FOR: VIDEO GAME PLAYER MACHINES FOR
USE WITH TELEVISIONS AND COMPUTERS, AND
OPERATING SYSTEM SOFTWARE PROGRAMS
AND COMPUTER UTILITY PROGRAMS FOR USE
THEREWITH; ELECTRONIC DEVICES, NAMELY,
COMPUTER HARDWARE FOR ACCESSING GLO-
BAL COMPUTER AND COMMUNICATION NET-
WORKS; AND OPERATING SYSTEM SOFTWARE
PROGRAMS AND COMPUTER AND COMMUNI-
CATION NETWORKS, AND OPERATING SYSTEM
SOFTWARE PROGRAMS AND COMPUTER UTILI-
TY PROGRAMS FOR USE THEREWITH; COMPU-
TER HARDWARE AND PERIPHERALS;
COMPUTER GAME CONTROLLERS; COMPUTER
GAME PADS AND CONTROLLERS; COMPUTER
SOFTWARE FOR PLAYING VIDEO GAMES AND**

**COMPUTER GAMES AND FOR ACCESSING AND
BROWSING GLOBAL COMPUTER AND COMMU-
NICATION NETWORKS; COMPUTER SOFTWARE
FOR COMPRESSING AND DECOMPRESSING
DATA AND VIDEO IMAGES, WORD TEXT EDIT-
ING; COMPUTER GAME PROGRAMS AND COM-
PUTER VIDEO GAME PROGRAMS
DOWNLOADABLE FROM GLOBAL COMPUTER
NETWORKS AND GLOBAL COMMUNICATIONS
NETWORKS; AND USER MANUALS FOR ALL THE
AFOREMENTIONED SOFTWARE AND DEVICES
SOLD AS A UNIT THEREWITH, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).**

FIRST USE 11-21-2001; IN COMMERCE 11-21-2001.

SN 78-975,045, FILED 9-8-2000.

IRENE D. WILLIAMS, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,738,849

United States Patent and Trademark Office

Registered July 15, 2003

Corrected

OG Date Jan. 20, 2004

SERVICE MARK
PRINCIPAL REGISTER

XBOX

MICROSOFT CORPORATION (WA-
SHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: ARRANGING AND CONDUCT-
ING TRADE SHOW EXHIBITIONS IN
THE FIELD OF VIDEO AND COMPUTER
GAMES FOR THE VIDEO GAME AND
COMPUTER GAME INDUSTRY; ORGA-
NIZING AND CONDUCTING EXHIBI-

TIONS TO ADVERTISE AND PROMOTE
THE SALE OF VIDEO AND COMPUTER
GAMES OF OTHERS; AND PROVIDING
TRADE INFORMATION ABOUT THE
COMPUTER GAME AND VIDEO GAME
INDUSTRY, IN CLASS 35 (U.S. CLS. 100,
101 AND 102).

FIRST USE 11-1-2001; IN COMMERCE
11-1-2001.

SER. NO. 78-025,107, FILED 9-8-2000.



*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Jan. 20, 2004.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,775,859

Registered Oct. 21, 2003

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

OWNER OF U.S. REG. NO. 2,646,465.

**FOR: TV AND VIDEO CONVERTERS, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).**

SER. NO. 78-193,098, FILED 12-10-2002.

FIRST USE 12-0-1998; IN COMMERCE 12-0-1998.

PRISCILLA MILTON, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,776,769

United States Patent and Trademark Office

Registered Oct. 21, 2003

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

**GAME HARDWARE, SOFTWARE AND RELATED
ACCESSORIES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29,
37, 38 AND 50).**

**FOR: PRINTED MATTER AND PUBLICATIONS,
NAMESLY MAGAZINES, BOOKS, NEWSLETTERS,
MANUALS AND JOURNALS IN THE FIELDS OF
VIDEO AND COMPUTER GAME INDUSTRIES,
GENERAL VIDEO GAME AND COMPUTER GAME
INFORMATION, AND VIDEO AND COMPUTER**

FIRST USE 9-0-2001; IN COMMERCE 9-0-2001.

SN 78-025,106, FILED 9-8-2000.

ESTHER A. BORSUK, EXAMINING ATTORNEY

Int. Cls.: 35 and 41

Prior U.S. Cls.: 100, 101, 102, and 107

United States Patent and Trademark Office

Reg. No. 2,786,794

Registered Nov. 25, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

XBOX

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 98052

FOR: ARRANGING AND CONDUCTING TRADE
SHOWS RELATING TO THE VIDEO GAME AND
COMPUTER GAME INDUSTRIES, IN CLASS 35 (U.S.
CLS. 100, 101 AND 102).

FIRST USE 11-1-2001; IN COMMERCE 11-1-2001.

FOR: ENTERTAINMENT SERVICES, NAMELY,
FEATURING GENERAL VIDEO GAME AND COM-

PUTER GAME INFORMATION VIA THE INTER-
NET ARRANGING AND CONDUCTING
EXHIBITIONS IN THE NATURE OF COMPUTER
GAMING TOURNAMENTS AND DEVELOPER
CONFERENCES, IN CLASS 41 (U.S. CLS. 100, 101
AND 107).

FIRST USE 11-1-2001; IN COMMERCE 11-1-2001.

SN 75-928,026, FILED 2-25-2000.

CHRISTOPHER BUONGIORNO, EXAMINING AT-
TORNEY

Int. Cls.: 38 and 41

Prior U.S. Cls.: 100, 101, 104, and 107

Reg. No. 2,792,744

United States Patent and Trademark Office

Registered Dec. 9, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

XBOX

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: PROVIDING ON-LINE CHAT ROOMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING INTERACTIVE GAMES PLAYED OVER COMPUTER NETWORKS AND GLOBAL COMMUNICATIONS NETWORKS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 8-23-2002; IN COMMERCE 8-23-2002.

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING ON-LINE INTERACTIVE MULTI-

PLAYER COMPUTER GAMES PLAYED VIA COMPUTER NETWORKS AND GLOBAL COMMUNICATIONS NETWORKS; PROVIDING INFORMATION ON-LINE RELATING TO COMPUTER GAMES, VIDEO GAMES AND COMPUTER AND VIDEO GAME RELATED PRODUCTS; AND ORGANIZING AND CONDUCTING EXHIBITIONS FOR USERS OF VIDEO AND COMPUTER GAMES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-1-2001; IN COMMERCE 11-1-2001.

SN 78-025,108, FILED 9-8-2000.

ESTHER A. BORSUK, EXAMINING ATTORNEY

Int. Cls.: 9 and 18

Prior U.S. Cls.: 1, 2, 3, 21, 22, 23, 26, 36, 38, and 41

Reg. No. 2,811,895

United States Patent and Trademark Office

Registered Feb. 3, 2004

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

**FOR: BACKPACKS, IN CLASS 18 (U.S. CLS. 1, 2, 3,
22 AND 41).**

**FOR: CASES FOR CARRYING VIDEO GAME
CONSOLES AND CONTROLLERS; AND CASES
FOR CARRYING DVDS, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).**

FIRST USE 11-15-2001; IN COMMERCE 11-15-2001.

SN 78-975,188, FILED 5-1-2002.

FIRST USE 11-15-2001; IN COMMERCE 11-15-2001.

LINDA E. BLOHM, EXAMINING ATTORNEY

int. Cls.: 9 and 18

Prior U.S. Cls.: 1, 2, 3, 21, 22, 23, 26, 36, 38, and 41

United States Patent and Trademark Office

Reg. No. 2,841,854

Registered May 11, 2004

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: BACKPACKS, IN CLASS 18 (U.S. CLS. 1, 2, 3,
22 AND 41).

FOR: CASES FOR CARRYING VIDEO GAME
CONSOLES AND CONTROLLERS; AND CASES
FOR CARRYING DVDS, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).

FIRST USE 11-15-2001; IN COMMERCE 11-15-2001.

SN 78-975,181, FILED 5-1-2002.

FIRST USE 11-15-2001; IN COMMERCE 11-15-2001.

LINDA E. BLOHM, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22, and 41

Reg. No. 2,907,179

United States Patent and Trademark Office

Registered Nov. 30, 2004

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FIRST USE 11-15-2001; IN COMMERCE 11-15-2001.

SN 78-125,500, FILED 5-1-2002.

FOR: TRAVEL BAGS AND SCHOOL BAGS, IN
CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

LINDA E. BLOHM, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22 and 41

United States Patent and Trademark Office

Reg. No. 2,934,666

Registered Mar. 22, 2005

**TRADEMARK
PRINCIPAL REGISTER**

XBOX

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FIRST USE 11-15-2001; IN COMMERCE 11-15-2001.

SER. NO. 78-125,498, FILED 5-1-2002.

FOR: TRAVEL BAGS AND SCHOOL BAGS, IN
CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

LINDA E. BLOHM, EXAMINING ATTORNEY

Exhibit R

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 2,902,268

Registered Nov. 9, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

XBOX LIVE

**MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399**

FIRST USE 11-15-2002; IN COMMERCE 11-15-2002.

**OWNER OF U.S. REG. NOS. 2,646,465 AND
2,663,880.**

**FOR: ENTERTAINMENT SERVICES, NAMELY,
PROVIDING INTERACTIVE, MULTIPLAYER
GAME SERVICES FOR GAMES PLAYED OVER
THE INTERNET; PROVIDING INFORMATION
ABOUT ONLINE COMPUTER GAMES AND VIDEO
GAMES VIA THE INTERNET; AND ARRANGING
AND CONDUCTING COMPETITIONS FOR VIDEO
GAMERS AND COMPUTER GAME PLAYERS, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "LIVE", APART FROM THE MARK
AS SHOWN.**

SN 78-168,878, FILED 9-27-2002.

**NORA BUCHANAN WILL, EXAMINING ATTOR-
NEY**

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

United States Patent and Trademark Office

Reg. No. 2,940,679

Registered Apr. 12, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

XBOX LIVE

MICROSOFT CORPORATION (WASHINGTON
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

OWNER OF U.S. REG. NOS. 2,646,465 AND
2,663,880.

FOR: PROVIDING MULTIPLE-USER ACCESS TO
THE INTERNET VIA CABLE AND TELEPHONE
NETWORKS; VOICE CHAT AND WEB MESSAGING
SERVICES; AND TRANSMISSION OF INTERAC-
TIVE AUDIO AND VIDEO SERVICES, IN CLASS 38
(U.S. CLS. 100, 101 AND 104).

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "LIVE", APART FROM THE MARK
AS SHOWN.

SN 78-168,877, FILED 9-27-2002.

FIRST USE 11-15-2002; IN COMMERCE 11-15-2002.

NORA BUCHANAN WILL, EXAMINING ATTOR-
NEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,940,682

United States Patent and Trademark Office

Registered Apr. 12, 2005

**TRADEMARK
PRINCIPAL REGISTER**

XBOX LIVE

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

COMPUTER NETWORKS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-15-2000; IN COMMERCE 11-15-2002.

FOR: DOWNLOADABLE COMPUTER PROGRAMS FOR PLAYING COMPUTER GAMES AND VIDEO GAMES OVER THE INTERNET; COMPUTER PROGRAMS FOR COMPUTER GAME AND VIDEO GAME USERS TO USE IN ACCESSING AND PLAYING ONLINE COMPUTER GAMES AND VIDEO GAMES; HEADSETS, NAMELY, HEADPHONES AND MICROPHONE UNITS FOR USE WITH ONLINE COMPUTER GAME AND VIDEO GAME SERVICES; ELECTRONIC DEVICES FOR USE WITH ONLINE COMPUTER GAME AND VIDEO GAME SERVICES; AND DEVICES USED TO FACILITATE INTERACTIVE GAME PLAY OVER

OWNER OF U.S. REG. NOS. 2,646,465 AND 2,663,880.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LIVE", APART FROM THE MARK AS SHOWN.

SN 78-168,881, FILED 9-27-2002.

NORA BUCHANAN WILL, EXAMINING ATTORNEY

Exhibit S

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,252,556

United States Patent and Trademark Office

Registered June 12, 2007

**TRADEMARK
PRINCIPAL REGISTER**

XBOX 360

MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: INTERACTIVE VIDEO GAME DEVICES COMPRISED OF COMPUTER HARDWARE AND SOFTWARE AND ACCESSORIES, NAMELY, GAME CONSOLES, GAME CONTROLLERS AND SOFTWARE FOR OPERATING GAME CONTROLLERS; ELECTRONIC DEVICES, NAMELY, COMPUTER HARDWARE FOR ACCESSING GLOBAL COMPUTER AND COMMUNICATION NETWORKS; COMPUTER HARDWARE AND COMPUTER PERIPHERALS; CAMERAS; COMPUTER SOFTWARE FOR PLAYING VIDEO GAMES AND COMPUTER GAMES WITH OTHERS VIA A GLOBAL COMPUTER OR COMMUNICATION NETWORK AND FOR ACCESSING AND BROWSING GLOBAL COMPUTER AND COMMUNICATION NETWORKS; COMPUTER SOFTWARE FOR COMPRESSING AND DECOMPRESSING DATA AND VIDEO IMAGES, WORD TEXT EDITING AND FOR COM-

POSING, TRANSMITTING AND RECEIVING EMAIL; OPERATING SYSTEM SOFTWARE PROGRAMS AND UTILITY PROGRAMS FOR USE WITH THE ABOVE REFERENCED MACHINES; USER MANUALS THEREFORE SOLD AS A UNIT THEREWITH; COMPUTER PROGRAMS, NAMELY, GAME SOFTWARE FOR USE ON COMPUTERS AND VIDEO GAME PLAYERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-22-2005; IN COMMERCE 11-22-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,646,465 AND 2,698,179.

SN 78-977,810, FILED 5-12-2005.

ARETHA SOMERVILLE, EXAMINING ATTORNEY